

VETERANS AFFAIRS, IOWA DEPARTMENT OF[801]

Notice of Intended Action

**Proposing rule making related to veterans trust fund
and providing an opportunity for public comment**

The Iowa Department of Veterans Affairs hereby proposes to amend Chapter 14, “Veterans Trust Fund,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 35A.13.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 35A.

Purpose and Summary

This proposed rule making amends Chapter 14 to make the rules more flexible for veterans and their families.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any.

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on April 26, 2022. Comments should be directed to:

Melissa Miller
Iowa Department of Veterans Affairs
Camp Dodge, Bldg. #3465
7105 NW 70th Avenue
Johnston, Iowa 50131
Email: melissa.miller2@iowa.gov

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend rule 801—14.3(35A) as follows:

801—14.3(35A) Eligibility. Veterans, their spouses, ~~and~~ their dependents, and unremarried spouses of deceased veterans applying for benefits available under subrules 14.4(1) through 14.4(9) must meet the following threshold requirements. Regarding funding from other sources, applications shall not be approved if the applicant is eligible to receive aid from other sources to meet the purposes authorized in this chapter.

14.3(1) Income. The department may not pay benefits under this chapter if the available liquid assets of a veteran are in excess of \$20,000. For the purposes of this chapter, an applicant's household income, including VA pension benefits, service-connected disability income, and social security income, shall not exceed 300 percent of the federal poverty guidelines for the number of family members living in the primary residence in effect on the date the application is received by the county director of veterans affairs. Federal poverty guidelines shall be those guidelines established by the Iowa department of human services for the veteran's family size. The commission shall adjust the guidelines on July 1 of each year to reflect the most recent federal poverty guidelines. ~~The commission may waive the income threshold if all income is from a fixed source and all other sources of assistance have been exhausted.~~

14.3(2) No change.

~~**14.3(3) Funding from other sources.** Applications shall not be approved if the applicant is eligible to receive aid from other sources to meet the purposes authorized in this chapter.~~

14.3(4) 14.3(3) Additional requirements and limitations. Applicants must meet any additional requirements and are subject to any limitations which may be set out in this chapter or which may be established for a particular benefit.

ITEM 2. Amend rule 801—14.4(35A) as follows:

801—14.4(35A) Benefits available. Applications may be approved for any of the following purposes. By a majority vote, the commission may suspend some or all of these benefits for payment.

14.4(1) Travel expenses for wounded veterans, their spouses ~~and their dependents~~ or a caregiver, directly related to medical care. Travel expenses under this subrule include the unreimbursed cost of airfare, lodging, and a per diem of \$50 per day for required medical appointments from the veteran's home. Spouses may be reimbursed for in-state lodging and a per diem of \$50 per day when visiting a veteran who is in a hospital for medical care related to an injury or disability. The veteran or the veteran's spouse shall provide such evidence as the commission may require, which includes but is not limited to evidence the injury or disability is service-connected, the necessity of treatment in a particular facility, and documentation of expenses. The maximum amount for travel expense reimbursement shall be ~~\$90~~ \$150 for in-state lodging. The maximum amount of aid payable in a consecutive 12-month period under this subrule is ~~\$1,000~~ \$1,800.

14.4(2) No change.

14.4(3) Unemployment or underemployment assistance during a period of unemployment or underemployment due to ~~prolonged physical or mental illness resulting from military service~~ connection or disability resulting from military service (must ~~be~~ provide a doctor's note stating the person is physically and mentally able to return to work). The commission may provide subsistence payments only to a veteran who has suffered a loss of income due to prolonged physical or mental illness resulting from military service or disability resulting from military service. The commission may

provide subsistence payments of up to \$500 per month of unemployment or underemployment to a veteran. A veteran must provide documentation of assistance from Iowa workforce development and vocational rehabilitation, if eligible. No payment may be made under this subrule if the veteran has other assets or income available to meet basic subsistence needs. A period of unemployment implies that it is possible for the veteran to be employed in the future. A rating from the VA of 100 percent due to individual unemployability (IU) rated permanent and total indicates that a veteran is unemployable and will not qualify for assistance under this subrule. The veteran shall provide such evidence as the commission may require, which includes but is not limited to evidence that the veteran is unemployed or underemployed for the period of payments. To qualify as underemployed, the applicant must be currently working at an income that is below 150 percent of federal poverty guidelines. The maximum amount of aid payable in a consecutive 12-month period under this subrule is \$3,000 and a lifetime maximum of \$6,000.

14.4(4) *Expenses related to hearing care, dental care, vision care, or prescription drugs.*

a. and b. No change.

c. The commission shall not provide health care aid under this subrule unless the aid recipient's health care provider agrees to accept, as full payment for the health care provided, the amount of the payment; and the amount of the recipient's health insurance or other third-party payments, if any; ~~and the amount that the commission determines the veteran is capable of paying.~~ Payment under this subrule will be provided directly to the health care provider.

d. No change.

14.4(5) *Expenses relating to the purchase of durable equipment or services to allow a veteran, the veteran's spouse or dependents, or the unremarried spouse of a deceased veteran to remain in their home.*

a. No change.

b. Individuals requesting reimbursement under this subrule will be required to provide verification of the purchase and installation of the equipment and information relating to the need for the equipment. Individuals may also provide a product and installation cost estimate to the commission for approval, with the understanding that the commission will pay no more than the cost estimate to the supplier or installer. Applicants ~~needing~~ in need of durable equipment as a medical necessity should provide information from a physician. Applicants must provide a denial from other available programs, such as the Home Improvements and Structural Alterations (HISA) benefits program.

c. No change.

14.4(6) No change.

14.4(7) *Expenses relating to ambulance and emergency room services for veterans and emergency lodging for immediate family members.*

a. to c. No change.

d. Incurred medical debt that is over six months old will not be accepted from the date of service, or the date of the denial, or the latter of the two.

14.4(8) *Emergency expenses related to vehicle repair or a one-time replacement vehicle, housing repair, or temporary housing assistance.*

a. No change.

b. Assistance for vehicle repair is limited to expenses that are required for continued use of the vehicle. This assistance will only be granted in cases where the vehicle is needed for travel to and from work-related activities, ~~the applicant is over the age of 65,~~ or substantial hardship will occur if the vehicle is not repaired. Assistance may be provided in situations where the applicant does not have sufficient means to pay an insurance deductible. Assistance ~~may~~ will be paid directly to the entity performing the maintenance or the insurance company owed the deductible. ~~In certain circumstances, reimbursement may be made to the veteran or to the unremarried spouse of a deceased veteran in order for the vehicle to be released from the entity providing the service.~~ Assistance will not be provided for damage caused during the commission of a crime, for cosmetic needs, for damage resulting in an auto accident when automobile insurance has not been purchased, or for routine maintenance. Vehicle replacement ~~is a one-time use not exceeding \$5,000~~ (proof of "bill of sale," proof of salvage, or proof of the vehicle's

replacement), vehicle repairs and housing repairs cannot exceed \$10,000 or the value of the vehicle at the time of the request.

c. Assistance for home repair is limited to repairs that are required to improve the conditions and integrity of the home and are necessary for the safety and security of the residents. Applicants with homeowners insurance may request assistance for payment of a deductible. Assistance may be provided for applicants in disaster situations, home accidents, vandalism, or other situations as determined by the commission. ~~In situations where a home is damaged beyond repair, assistance under this subrule is available to assist the applicant in purchasing a new home.~~ Proof of homeowners insurance is required as well as an insurance claim, if applicable.

d. No change.

e. The maximum amount that may be paid under this subrule for any consecutive 12-month period may not exceed \$1,000 for transitional housing. Lifetime maximum benefit for housing repair and vehicle repair or vehicle replacement: \$10,000 each.

14.4(9) *Expenses related to establishing whether a minor child is a dependent of a deceased veteran.*

a. to c. No change.

~~d. The commission may waive the income threshold for this benefit.~~

14.4(10) *Family support group programs, survivor outreach services, or programs for children of members of the military.*

a. and b. No change.

~~e. The maximum amount of aid payable in a consecutive 12-month period under this subrule to a family readiness/support group is \$500.~~

14.4(11) *Honor guard services.*

a. The commission may reimburse veterans organizations for providing military funeral honors as follows:

(1) If a single veterans organization provides basic honors, ~~\$25~~ \$50.

(2) If a single veterans organization provides full honors, ~~\$50~~ \$100.

(3) and (4) No change.

b. No change.

c. The maximum amount of aid payable in a calendar year under this subrule to a veterans organization is ~~\$1,000~~ \$2,000.

d. No change.

14.4(12) No change.

ITEM 3. Amend paragraph **14.5(3)“a”** as follows:

a. The county director of veterans affairs ~~or members of the county commission~~ shall make a recommendation to the Iowa commission of veterans affairs as to whether to approve or deny the application. The Iowa commission of veterans affairs ~~or a subcommittee appointed by the chair shall~~ three or more commissioners may approve or deny all applications, to include emergency applications. Applications submitted to the Iowa commission of veterans affairs will be processed at its ~~quarterly~~ monthly meetings as set forth in 801—paragraph 1.2(2)“a” or during a conference call for the purpose of voting on a trust fund expenditure. ~~Applications must be approved by a majority vote of the commission membership or appointed subcommittee.~~ The ~~director~~ trust fund administrator of the Iowa department of veterans affairs shall notify an applicant within 15 days of the commission’s decision. An explanation of the reasons for rejection of an application will accompany denials.

ITEM 4. Amend subrule 14.7(1) as follows:

14.7(1) *Subcommittee Appeal action.* An applicant may appeal the ~~initial~~ initial decision ~~of the subcommittee~~ to the full Iowa commission of veterans affairs. The applicant shall appeal the decision of the subcommittee to the commission in writing within 30 days of receiving the written denial and shall provide relevant new information to substantiate the appeal.

ITEM 5. Amend **801—Chapter 14**, implementation sentence, as follows:

These rules are intended to implement Iowa Code section 35A.13 ~~as amended by 2007 Iowa Acts, House File 817, section 7.~~